

34-32-1. Assignments to labor unions -- Effect.

(1) As used in this section:

(a) "Employee" means a person employed by any person, partnership, public, private, or municipal corporation, school district, the state, or any political subdivision of the state.

(b) "Employer" means the person or entity employing an employee.

(c) (i) "Labor organization" means a lawful organization of any kind that is composed, in whole or in part, of employees, and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of employment.

(ii) Except as provided in Subsection (1)(c)(iii), "labor organization" includes each employee association and union for employees of public and private sector employers.

(iii) "Labor organization" does not include organizations governed by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151 et seq.

(d) "Union dues" means dues, fees, money, or other assessments required as a condition of membership or participation in a labor organization.

(2) An employee may direct an employer, in writing, to deduct from the employee's wages a specified sum for union dues, not to exceed 3% per month, to be paid to a labor organization designated by the employee.

(3) An employer shall promptly commence or cease making deductions for union dues from the wages of an employee for the benefit of a labor organization when the employer receives a written communication from the employee directing the employer to commence or cease making deductions.

(4) An employee's request that an employer cease making deductions may not be conditioned upon a labor organization's:

(a) receipt of advance notice of the request; or

(b) prior consent to cessation of the deductions.

(5) A labor organization is not liable for any claim, service, or benefit that is:

(a) available only to a member of the labor organization; and

(b) terminated as a result of an employee's request that the employer cease making deductions for union dues.

(6) An employee may join a labor organization or terminate membership at any time. A person may not place a restriction on the time that an employee may join, or terminate membership with, a labor organization.

(7) An employee may not waive a provision of this section.

Amended by Chapter 220, 2011 General Session

34-32-1.1. Prohibiting public employers from making payroll deductions for political purposes.

(1) As used in this section:

(a) (i) "Labor organization" means a lawful organization of any kind that is composed, in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates

of pay, hours of employment, or other terms and conditions of employment.

(ii) Except as provided in Subsection (1)(a)(iii), "labor organization" includes each employee association and union for public employees.

(iii) "Labor organization" does not include organizations governed by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151 et seq.

(b) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

(c) "Public employee" means a person employed by:

(i) the state of Utah or any administrative subunit of the state;

(ii) a state institution of higher education; or

(iii) a municipal corporation, a county, a municipality, a school district, a local district, a special service district, or any other political subdivision of the state.

(d) "Public employer" means an employer that is:

(i) the state of Utah or any administrative subunit of the state;

(ii) a state institution of higher education; or

(iii) a municipal corporation, a county, a municipality, a school district, a local district, a special service district, or any other political subdivision of the state.

(e) "Union dues" means dues, fees, assessments, or other money required as a condition of membership or participation in a labor organization.

(2) A public employer may not deduct from the wages of its employees any amounts to be paid to:

(a) a candidate as defined in Section 20A-11-101;

(b) a personal campaign committee as defined in Section 20A-11-101;

(c) a political action committee as defined in Section 20A-11-101;

(d) a political issues committee as defined in Section 20A-11-101;

(e) a registered political party as defined in Section 20A-11-101;

(f) a political fund as defined in Section 20A-11-1402; or

(g) any entity established by a labor organization to solicit, collect, or distribute money primarily for political purposes as defined in this chapter.

(3) The attorney general may bring an action to require a public employer to comply with the requirements of this section.

Amended by Chapter 369, 2012 General Session

34-32-2. Assignments to farm organizations -- Effect.

Whenever any producer of farm products within the state executes and delivers to a dealer or processor of farm products, either as a clause in a sales agreement or other instrument in writing, whereby such processor or dealer is directed to deduct a sum or a rate not exceeding 3% of the price to be paid for any such produce, such processor or dealer shall deduct from the price to be paid for any farm product being sold by any such producer to any such processor or dealer, the amount so authorized and the producer or dealer shall pay the same to a farm organization as assignee.

Enacted by Chapter 85, 1969 General Session

34-32-3. Failure to comply -- Penalty.

Any employer, dealer or processor who willfully fails to comply with the duties imposed by this chapter shall be guilty of a misdemeanor.

Enacted by Chapter 85, 1969 General Session

34-32-4. Exceptions from chapter.

(1) The provisions of this chapter do not apply to carriers as that term is defined in the Railway Labor Act passed by the Congress of the United States, June 21, 1934. 48 Stat. 1189, U.S. Code, Title 45, Section 151.

(2) Nothing in this chapter is intended to, or may be construed to, preempt any requirement of federal law.

Amended by Chapter 297, 2011 General Session